

AMENDED IN ASSEMBLY OCTOBER 26, 2009

AMENDED IN ASSEMBLY MAY 5, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1358

**Introduced by Assembly Members ~~Hill and Nava~~ Member Feuer
(Coauthors: Assembly Members Brownley and Monning)
(Principal coauthor: Assembly Member Hill)**

February 27, 2009

~~An act to add Part 9 (commencing with Section 49700) to Division 30 of the Public Resources Code, relating to product management. An act to amend Section 4 of Chapter 217 of the Statutes of 2009, relating to vehicles, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1358, as amended, ~~Hill Feuer. Product management: disposable food containers. Vehicles: driving under the influence (DUI): Ignition Interlock device.~~

(1) Under existing law, Section 4 of Chapter 217 of the Statutes of 2009, provides that it only becomes operative if Senate Bill No. 598 of the 2009–10 Regular Session is enacted and becomes operative on or before January 1, 2010. Senate Bill No. 598, (Chapter 193 of the Statutes of 2009) provides that it shall become operative on July 1, 2010.

This bill would instead require that Chapter 217 of the Statutes of 2009 become operative if Senate Bill No. 598 of the 2009–10 Regular Session is enacted and becomes effective on or before January 1, 2010.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

~~The California Integrated Waste Management Act of 1989, administered by the California Integrated Waste Management Board, among other things, prohibits a person from selling a food or beverage container in this state that is labeled with the term “compostable” or “marine degradable,” unless the food or beverage container meets certain requirements.~~

~~This bill would define terms for its purposes and, beginning January 1, 2012, prohibit a food vendor from dispensing prepared food to a customer in a disposable polystyrene food container.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 4 of Chapter 217 of the Statutes of 2009~~
2 ~~is amended to read:~~

3 ~~Sec. 4. This bill act shall become operative only if Senate Bill~~
4 ~~598 of the 2009–10 Regular Session is enacted and becomes~~
5 ~~operative effective on or before January 1, 2010.~~

6 ~~(PU CHP200900217 S4)~~

7 ~~SEC. 2. This act is an urgency statute necessary for the~~
8 ~~immediate preservation of the public peace, health, or safety within~~
9 ~~the meaning of Article IV of the Constitution and shall go into~~
10 ~~immediate effect. The facts constituting the necessity are:~~

11 ~~In order to ensure that the first offender driving under the~~
12 ~~influence (DUI) and ignition interlock device pilot program~~
13 ~~contained in Assembly Bill 91 of the 2009–10 Regular Session~~
14 ~~becomes effective at the earliest possible time, it is necessary for~~
15 ~~this act to take effect immediately.~~

16 ~~SECTION 1. Part 9 (commencing with Section 49700) is added~~
17 ~~to Division 30 of the Public Resources Code, to read:~~

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19 ~~PART 9. PRODUCT MANAGEMENT~~

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21 ~~CHAPTER 1. DEFINITIONS~~

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23 ~~CHAPTER 2. POWERS AND DUTIES~~

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25 ~~CHAPTER 3. ENFORCEMENT AND PENALTIES~~

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CHAPTER 5. TAKE-OUT FOOD CONTAINERS

49760. For the purposes of this chapter, the following terms have the following meanings:

(a) “Customer” means a person obtaining prepared food from a food vendor.

(b) “Disposable polystyrene food container” means a plastic container, comprised of a majority polystyrene plastic resin, that is used to contain prepared food and that is designed for one-time use.

(c) “Food vendor” means a restaurant or retail food and beverage vendor located or operating within the state. Food vendor includes, but is not limited to, itinerant restaurants, pushcarts, vehicular food vendors, a store, a shop, a sales outlet, or other establishments, including a grocery store or a delicatessen.

(d) “Prepared food” means food or beverages that are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared for consumption. “Prepared food” does not include raw, butchered meats, fish, or poultry, sold from a butcher case or similar retail appliance. “Prepared food” may be eaten either on or off the premises, and includes takeout food.

49761. On and after January 1, 2012, a food vendor shall not dispense prepared food to a customer in a disposable polystyrene food container.

49762. If a section, subdivision, sentence, clause, or phrase of this chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this chapter. The Legislature finds and declares that it would have passed this chapter and each and every section, subdivision, sentence, clause, and phrase not declared invalid or unconstitutional without regard to whether any portion of the chapter subsequently would be declared invalid or unconstitutional.

49763. This chapter does not preempt the authority of a county, city, or city and county to adopt and enforce additional single-use takeout food packaging ordinances, regulations, or policies that are more restrictive than the applicable standards required by this chapter.